

THE  
CASE  
OF  
ADDRESSING  
CONSIDER'D: C. 1665.

Upon Occasion of the ADDRESSES  
lately Presented to the Earl of *Nottingham*, and the Bishop of *Chester*.

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The SECOND EDITION.

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T H E  
C A S E  
O F  
A D D R E S S I N G  
C O N S I D E R ' D.

**T**HE Writer of this Paper is one who is firmly perswaded of the Doctrine of the *Trinity*, according to the plain, literal, genuine Meaning of the first Article of the Church of *England*. And, in consequence of this Perswasion, he is of the Number of those who lament the late Growth of the *Arian* Heresy among us ; and he abhors the new Evasive Methods of subscribing to our Articles ; and has moreover a just Sense of the Honour done to the Church, when Persons of great Figure and Distinction among the Laity undertake the publick Defence of its Doctrines, tho' it should be with less Strength, Learning and Judgment, than the Earl of *Nottingham* has done.

But he is one who is a great Lover, as of the Doctrines, so also of the *Peace*, *Order* and *Unity* of the Church ; and, in consequence of that, is very jealous of all Practices which he thinks have a Tendency to undermine or affect these, and believes that nothing will preserve them so well, as a strict Regard to the Rules of the Church, and, above all things, the acting conformably

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ably to that *Subordination*, in which the Government of it is founded. Long Experience has taught him, That whenever Men take up an Humour of running into new Ways which the Constitution knows not, Division and Confusion must unavoidably follow; That such Innovations are the more to be suspected, when they are begun upon plausible Occasions, and carried on with Noise and Popularity; That tho' sometimes they are owing merely to the Zeal of such Men, who weigh not Consequences, and who reckon they can *do* no Mischief, as long as they *mean* none; yet, most commonly, these new Devices are accompany'd with Views and Designs which none are let into, but the main Actors: Or, tho' they be ever so innocent in the Intention, and ever so well meant in the Instance to which they are first apply'd, the same Practice which serves an innocent Purpose now, may, when established, serve very mischievous ones hereafter.

Whether the late Humour of addressing the *Earl of Nottingham* and the *Bishop of Chester*, be not of the Number of those Practices, is humbly referred to our Governours in Church and State, upon the following Considerations; which, for Method's sake, shall be reduced to three Heads: 1. With regard to *Both*, as both are Addresses to SUBJECTS. 2. With regard to the Addresses presented to the *Earl of Nottingham*, as they are publick Declarations of an Opinion concerning DOCTRINE, made by the Clergy of particular Districts, assembled in the Visitation of the Archdeacon. 3. With regard to the Addresses presented to the *Lord Bishop of Chester*, as they are publick Declarations on a Point of LAW, while it is depending before the established Courts of Justice.

I. Both the forementioned Addresses are made and presented to SUBJECTS. I know not, that our *written Laws* have any where taken Notice of Addresses, or to whom they shall or may be made; but I think Custom (which is the Foundation of the *Common Law*) has appropriated them to the Throne, and made them the *peculiar* Tribute of Subjects to their Sovereign. The two Houses of Parliament receive the *Petitions* of the Subjects, but I have not heard that either House has gone so far as to receive Addresses from the Subject, or that Subjects have ever gone so far as to offer them: And yet one would think, that if such Addresses might regularly be made to others, as well as to the Crown, the Lords and Commons (the other two Branches of the Legislature) should, next to the Crown, stand fairest for that Honour. Or, if this

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this Privilege could be separated from the Crown, one would naturally hope, that private Subjects, before they assume or allow it, should let the other Branches of the Royal Family lead the way, and be first serv'd. Whereas I have not heard, nor I dare say ever shall hear, that any one Branch of the Royal Family did ever receive Addresses from the Subject; except the Prince of Wales, while he was Regent, and as such was vested with Royal Authority.

This may seem a slight thing to those, who have never considered how much the Dignity of Government, and the inward Reverence that is due to it, are preserved and maintained by these outward Ceremonies and Tokens of Respect; how greatly those Appearances conduce to preserve that Subordination, in which the very Essence of Government consists; and how fast a Prince, when he is divested of these, slides into the Condition of a private Person: In a Word, how many petty Princes this one Ceremony of Addressing would quickly raise among us, if it were to grow into a Practice; as (between the designing and unthinking Part of Mankind) such Fancies are apt enough to grow into Practice.

However, if Addresses were made only to Persons in Authority, and upon Incidents happening within the Bounds of that Authority (to a Lord Lieutenant, for instance, from his County and in Relation to the Affairs of that single County;) in such Case it might be alledged, that he is the Representative of his Prince, that therefore the Respect is not properly paid to him, but to the Prince whom he has the Honour to represent, and, that the Persons addressing, and the Matters concerning which they address, are both confin'd within the proper Limits of his Jurisdiction. All this might look very fair and plausible; and yet I am afraid, as innocent as it looks, if this were to be the Practice of every County, we should quickly see the Face of our Government changed into so many little Seignories, or Principalities. But when these Royal Respects begin to be tender'd to private Persons, and the Respects themselves are not Local but National, and there is no Pretence to say that the Prince has the least Share of the Honour, or that it can terminate any where but singly in the Person addressed to; in this Case (and this is our present Case) the Government of a Nation is nearly concerned to attend to the first Beginnings of such a Practice; if I know any thing either of the Nature of Government, or the Nature of Mankind.

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II. That

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II. That which comes next under Consideration, is, the particular Point of addressing the *Earl of Nottingham* for his Orthodox Defence of the Doctrine of the Trinity ; as such Addresses are publick Declarations of an Opinion concerning DOCTRINE, made by the Clergy of particular Districts, assembled in the Visitation of the Archdeacon. Now, all such Declarations are conceived to be, In themselves *Illegal* ; In the manner of them, *Irregular* ; and in their Consequences, highly prejudicial to the Peace, Order, and Unity of the Church.

Concerning the *Illegality* of such Declarations, how clear soever I may be in my own Judgment, yet am I obliged to speak of it with particular Caution and Tenderness, lest I be thought to arraign some Persons of great Dignity and Worth, who, together with many of the Inferior Clergy, have been led into this Method, thro' a well-meaning Zeal for the Doctrine of the Church. And therefore I shall go no further upon this Head, than to propose some Doubts (which to me seem very material) to the Enquiry and Consideration of those who are better skill'd in our Civil and Ecclesiastical Laws, *viz.*

Whether, the proper Ends and Purposes of Visitations being assigned and limited by the Laws of the Church, and the Clergy being legally summoned to them for those Purposes *only* ; they may, under the Authority of such Summons, and consistently with it, proceed to Business wholly foreign to those Purposes ; and further, may come to Agreements and Resolutions about such foreign Business, in the Name of the Clergy assembled at the Visitation of the Archdeacon ?

Whether any Business that is transacted in an Archidiaconal Visitation, or any Resolutions that are taken by the Clergy assembled therein (tho' we should suppose them to be legally transacted and taken there) may, by Law, be carried into Execution without the Bounds of such Archdeaconry ?

Whether all Enquiry and Cognizance relating to *Doctrine*, is not appropriated by the Laws of the Church to Archbishops and Bishops, exclusive of Archdeacons ?

Whether, in a *National Church*, after the Laws Ecclesiastical and Civil have once declared and determined what the Doctrines are which shall be profess'd ; even the Archbishops and Bishops may make any Declarations and Decisions, 'What shall be the Sense of those Doctrines, and what is agreeable or disagreeable to them,' otherwise than in their Courts established by the same.

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same Laws, and upon Processes instituted before them in a judicial Way ?

Whether even the Legislature it self (considered as such) can, after the Articles are so established, intermeddle in determining 'What is the proper Sense and Extent of such Articles, and what shall be judged agreeable or disagreeable to them,' otherwise than by a new Declaratory Law ?

Whether the Disputes, Declarations, and Acknowledgments of private Persons, by writing or otherwise, in relation to any Doctrine ; be not Things very different in the Eye of the Law, from publick Declarations made and subscribed by Bodies of Men, and especially in legal Assemblies ?

These Enquiries are humbly proposed to the Consideration of Persons learned in our Laws, in relation to the Legality or Illegality of such Addresses.

BUT tho' we should suppose the Addressing in this manner to be an Act strictly Legal, that is, not contrary to any express, positive Law of Church or State ; yet when it is done by the Clergy, without the Advice, Direction, or Consent of their Bishop, it is certainly an *IRREGULAR* Act; and contrary to that Duty and Respect which the Clergy owe their Bishop, by the general Frame and Nature of an Episcopal Church. *Let Nothing be done by the Presbyters or Deacons without the Judgment of the Bishop,* is the great Rule prescribed to the Clergy by the ancient Canons of the Catholick Church ; and tho' National Churches, and our own in particular, have marked out the Duty of the Clergy by express Rules and Canons, in the more common and ordinary Cases, and so far there is no Need of Recourse to the Bishop for Advice or Direction ; yet in Cases which are new and doubtful, and about which the written Laws of the Church are wholly silent, it is the Duty of the Clergy, as much as ever, to betake themselves to their Bishop for his Counsel, and to pay a dutiful REGARD to his Judgment and Direction ; and in no such Case to act without, and much less against it. This is what we mean by the Canonical Duty and Obedience of the Clergy to their Bishop; not only Obedience in Cases where the Laws expressly require it, and have provided a Punishment for Disobedience ; but all that Duty and REGARD which arises from the Frame and Nature of an Episcopal Church, tho' perhaps not enjoin'd and provided for by any express Rules, nor directly enforced by any particular Penalties. Accordingly (not to have Recourse to foreign Canonists,) it is thus described by

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by our learned Lyndwood, (De Const. Tit. Quia Inobedientia)  
Nota, quod Obedientia consistit in tribus, scilicet Reverentia exhibenda,  
mandato suscipiendo, & iudicio subeundo. And elsewhere (Tit. de  
Maj. & Obed. c. Presbyteris) he has these remarkable Words,  
*Et nota circa hanc Materiam Obedientiae, quod Obedientia quae debe-  
tur homini ab homine, est debita minoris ad maiorem Reverentia; unde,  
si mandatur id quod justum est, obediendum est; si injustum, nequaquam;  
si dubium, tunc illud propter bonum Obedientiae est explendum.*

To this Kind of Duty and Obedience every Incumbent binds  
himself at his Institution, by an express Oath; which, no doubt, was  
designed by the Church to engage the Consciences of the Clergy to a  
general Regard and Duty to their Bishop; not only in Matters strictly  
legal, but also in Matters prudential, that is, in such Events and  
Emergencies, for which the Laws of the Church have made no  
express Provision. And this is one Distinction, among others, be-  
tween *Dissenting* and *Episcopal* Ministers. The Ministers of Dis-  
senting Congregations govern themselves in all new and doubtful  
Cases, by their own mutual Consultations and Resolutions; and  
these with them, are final: whereas Episcopal Ministers,  
whatever Consultations they may hold among themselves, or  
whatever their own Opinions may be, cannot regularly form fi-  
nal Resolutions, or proceed to Action, without the Judgment  
and Direction of their Bishop. And they who act otherwise  
(whatever their Pretences may be) cease so far to be Ministers  
of an Episcopal Church, and do what in them lies to give it the  
Face of *Presbyterian*, or *Independent*, or any thing but Episcopal.

And it were well, if such Practices did only change the *out-  
ward Face* of an Episcopal Church; but it is certain, that they un-  
dermine the very Constitution of it. Particularly, it is most  
clear, that the Practice under our present Consideration (if once  
established) would be highly prejudicial to the PEACE, OR-  
DER, and UNITY of the Church of *England*. For when once  
it shall be judged legal and regular for the Clergy of any parti-  
cular District, to make such publick Declarations of their Op-  
nions in Matters of Doctrine, and to determine what is agreeable  
or disagreeable to the Articles of our Church; it may and must  
fall out in many Cases, that the Clergy of one District will differ  
in Opinion from those of another in the same Diocese, and even  
the same Archdeaconry, and will accordingly make their diffe-  
rent Declarations. And by this means, the great End of those  
Articles is defeated; which are expressly said, in the Title, to  
have been agreed upon by the Archbishops and Bishops of both

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Provinces, and the whole Clergy, for the avoiding of Diversities of Opinions. In all Ages, and almost at all Times, there is one Controversy or another among learned Men, concerning Points of Religion; which being managed with Temper, and read with Seriousness and Impartiality, are useful Assurances to private Persons, towards the forming a more exact Judgment upon the Points under Debate. But if, on such Occasions, the Clergy are to declare in Publick Bodies for this or that Sense or Opinion, and in effect to list under this or that Writer, and to make their Addresses to them according to the different Judgments which those separate Bodies may fall into; it is easy to foresee what a terrible Effect this must have upon the Peace, Order, and Unity of the Church. There may be Deanry against Deanry, Archdeaconry against Archdeaconry, University against University, Diocese against Diocese, and even Province against Province. For it is very observable, what I noted before, that the Articles of our Church were agreed upon by the Archbishops, Bishops and Clergy of BOTH PROVINCES, for the avoiding Diversities of Opinions, and for the Establishing of Consent touching true Religion; by which, those Articles become a Rule to this whole National Church. And it deserves Consideration, what Effect it would have upon the Peace and Unity of this National Church, if the Archbishops, Bishops, and Clergy of one Province, should make a Declaration concerning the Agreement or Disagreement of any Doctrine to this or that Article, different from a Declaration made by the Archbishop, Bishops, and Clergy of the other Province. And much more does it deserve to be considered, what terrible Confusion it would raise in the Church, and what Distractions it would make among the Members of it, if a Way were once opened, for the Clergy in an Archidiaconal Visitation, and at every Stage of such Visitation, to run into opposite Declarations, one against another.

Nor is it at all to the purpose, to say, that no such Opposition has happened in the present Case of the Earl of Nottingham; because if this Practice of Declaring and Addressing be once established as legal and regular, the Clergy of every District will be the Judges, when, in what manner, and to whom, the Addressees shall be made; and those of one District will be so far from forbearing to address, because their Neighbours of the next District are not of their Mind, that the very Difference of Opinion will make both more zealous, and more eager, in addressing their several Leaders.

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To show, how necessary it is to give a Check to all such Innovations at the Beginning, and how fast they grow if an early Stop be not put to them ; we need go no further, than the very Case now before us, of addressing the Earl of Nottingham. The Practice first set out, upon a *Recommendation* of it from the Bishop, to the Clergy assembled in the Visitation of the Archdeacon ; the next Step was, an Address of the Archdeacon and Clergy, without the Consent or Knowledge of the Bishop ; the next to that was, an Address of the Clergy, in *Defiance* of the Archdeacon ; and I doubt not but the next will be in Defiance of the Bishop. For, to show how fruitful such Innovations are in mischievous Consequences to the Peace, Order, and Unity of the Church ; even *Addressing* and *Non-addressing* begins to be a Party-Cause among the Clergy ; to such a degree, that in some Places I doubt it is hard to keep the Peace, and to perswade them to forbear very severe Censures against each other ; one side, as wanting Zeal for the Doctrins of the Church, and the other side, as overthrowing the Order and Government of it. And if this Practice of addressing be able to raise such Heats, while both Sides are of the *same Opinion* with Regard to the Doctrine ; what Flames will it not raise among them, when their Declarations shall be opposite in Point of Doctrine, and Addresses shall be posted away, from the several Stages of Visitation, to the different Heads and Managers of the Points in Controversy.

III. FROM the Determination of Matters of *Doctrine* in Assemblies which had no Right to meddle in that Work ; this Humour of Addressing has run it self into the determining a Matter of *LAW*, while it is depending before its proper Court which has the *only Right* to meddle with it. What I mean, is the Case of the *Lord Bishop of Chester*, in relation to a Book written by his Lordship against the Right of the Archbishops of Canterbury to bestow qualifying Degrees ; a Point, which has been depending a good while before the ordinary Courts of Justice, and is to receive a Determination at this Summer-Assizes. But that the Judges may know their Duty before-hand, and give Judgment at their peril in favour of the Doctrine of that Book, it has lately received some very solemn and publick *Sanctions* ; one particularly from some of the Clergy in that very Diocese, within which the Cause is to be tryed ; who, above all others, might have held their Hands, and have had Patience, as being within

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so near a View of making themselves Ear-witnesses of what should be said upon that Point by the learned Council and Judges. This is another Testimony of the present Fondness for *Addressing*, that is got into the Heads of Men ; and shows how greedily an Irregularity is swallowed, and how fast it spreads; and that, when it is once shown to the World, there is no Shape so absurd or irregular, in which it will not appear.

The same Profession that I made at the Beginning, of my Affection to the *Doctrines of the Church*, I can with great Truth repeat here in relation to the *Degrees of the Universities*. To the Universities themselves, I wish the greatest Blessing that Nurseries of Learning can or ought to desire, and that is, a peaceable Enjoyment of their Studies, without molesting, or being molested ; and so far am I from desiring to detract from the Honour of their *Degrees*, that it is my most sincere and earnest Wish to see them ever truly honourable, by being made the peculiar Rewards of Learning, Virtue and Sobriety ; always confer'd with such steady Impartiality, and such exact Care, as to be deny'd to none who have those Qualities, nor granted to any one Man who wants them : Than which, I am sure, there cannot be a Wish more conducing to the Honour, either of the Universities, or their Degrees. But at the same time, I shall be sorry to see the Day (that dangerous Day to the Church of England) when any Expression of Good Will to the Rights of the *See of Canterbury*, shall be deem'd an Expression of Enmity to the Rights of the Universities. —— Having made this Profession, I will now proceed to the *Book*, and the *Sanctions* which it has receiv'd.

I am sensible, that I ought to be very tender in what I say concerning the *Writing* and *Publishing* of that Book, because it is the Performance of a Right Reverend Prelate, who is entitled by his Character and Learning to be treated with great Deference and Respect. But I cannot forbear to observe one Difference between the Case of his Lordship, and that of the Earl of Nottingham. The Earl wrote his Book after the Doctrine of the Trinity had been openly attack'd ; after an Appeal had been a long time made to Mankind, and the Case was properly before them, and no Court of Judicature was at all concern'd in it : And, upon all these Accounts, the *Writing* and *Publishing* of the Book was not only regular, but highly commendable. Whereas the Bishop, in his Case, made the first Appeal to the World, and by that Appeal did, as far as in him lay, take it out of the Hands of the proper Court,

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before whom it was depending, and who alone had the Cognizance of it. Now, with his Lordship's Leave, this way of publishing *States of Cases* which are depending before the establish'd Courts of Justice, and of dispersing them thro' the Nation with the Diligence that this is known to have been dispersed, is a very unusual, and, I will add, a very unwarrantable Method of Proceeding. It is easy for Writers who are skill'd in Controversy, to put a fair Face upon any Cause, and to dress it out by specious and plausible Arguments; which yet may, and often do, appear very weak and contemptible, when they come before Courts of Justice, where nothing is heard or regarded but plain *Fact and Law.*

However, they are such Glosses as serve to amuse the Vulgar, and may sometimes impose even upon learned Men; and the Consequence of this Prepossession will always be, the awing and insulting Courts of Justice by popular Clamour; and in case the Judges find themselves obliged to give a contrary Judgment, how well soever it be founded, there is a Spirit ready raised to arraign them as partial and unjust; and, in such Circumstances, it is well if their Persons escape without Indignities and Affronts. And it is no small Hardship upon the Jury too, who, in Case their Verdict shall oppose the Doctrine so *infused*, have nothing to expect from a *prepossessed* Country, but Censure and Abuse. I will add, that under such Influences it will be very hard for the Sheriff to find a Jury that shall be not only unbias'd and unprejudiced in their Judgments, but shall moreover have the Courage to do Justice, contrary to the strong Impressions made before hand on the Minds of the Country, and under the Apprehension of the Treatment which they are to expect, if their Verdict run counter to the popular Cry.

Upon these Accounts, and that Justice may have its free Course, and be administred in an unbias'd, impartial and peaceable Manner; the Law, after it has taken Possession of the Cause, allows no Appeal to the People: On the contrary, it *guards*, with the greatest Diligence, against extrajudicial Prejudices and Impressions, of all kinds, in favour of either Side; and especially, it esteems all publick Appeals to the People, an Encroachment, or rather an Inquisition, upon it self.

If it be said, that in Causes depending by Appeal before the House of Peers, both Sides are allowed to set forth their Cases in Print, in order to the Hearing; the Fact (I believe) is true, but it has no manner of Operation in the present Point: since those Cases

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Cases are little more than short Accounts of the Course which the Cause has taken in the Courts below, and are delivered equally by both Sides, and to the Judges only; who being very numerous, and, having the Weight of the National Affairs upon them in their Legislative Capacity, ought to have the Exercise of their Judicial Power made as easy to them as possible, for the greater Dispatch of more Important Business. In these Circumstances, such a Preparation may be useful, and in some sort necessary; and can be attended with no Inconveniences, as long as it is an Information which they themselves allow and expect, and which is received at the same time from both the Parties, and is confined to the Judges alone. But such Printing is not practised, nor even tolerated or endur'd, in other Courts; where the Judges are few, and are attending wholly to that Work, and are also Lawyers by Profession; and, upon all these Accounts, cannot stand in need of any such Assistance. But suppose it were practised every where under the foregoing Limitations, How would such an *Information of the Judges*, warrant an *Appeal to the People from the Judges*? which is the Irregularity complain'd of, and that very justly and deservedly, in the present Case.

But whatever might be said in Defence of publishing and dispersing the Book, while the Cause is depending before a Court of Judicature, nothing can warrant the giving such *Publick Sanctions* to the Doctrine of it as those Addresses have done, when it has not received so much as a Hearing before the proper Court. To form even a *private Judgment* for one's self upon the reading or hearing of *one Side only*, cannot be cleared from the Imputation of *Forwardness* and *Partiality*; and if such rash Judgment may not stand clear of Reproach in any Case, the Circumstances in the present Case, of forming it in a Point which is before a Court of Judicature, and of publishing it to all the World, are by no means an Abatement of the Reproach.

If it be alledg'd, that, tho' it is well known that this Performance of the Lord Bishop of Chester was dispers'd over the Kingdom with the greatest Diligence, and, after that, was publish'd, and advertis'd in form, yet no Reply was made in Vindication of the Rights of the See of Canterbury, and that therefore this Silence on the part of his Grace the Lord Archbishop, was in effect a yielding and giving up the Point to the Bishop: To this the Answer is obvious, that what was Irregular in the Bishop, could not be Regular in the Archbishop, and that his Grace, no doubt, and others

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who are concerned for the Rights of that See, understood their Duty to Courts of Judicature too well, to think, that any Provocation whatsoever could warrant the taking the Work out of their Hands, and referring a Point to the Determination of the People, after it was brought judicially before its proper Court.

And tho' this Silence has been interpreted an Acquiescence, and a giving up the Cause, and no small Triumph has been raised upon it; yet I will submit it to the Judgment of every impartial Man, which of these is the better Sign that any Person is assur'd and convinc'd of the Goodness of his Cause, To refer it to the Examination and Decision of a legal Court of Judicature, and to wait in a quiet and peaceable way for that Decision; or, in a distrust of that, To lead Mankind by artful *Methods* into a Partiality for the Cause, and to call in the Assistance of *popular Courses*. Nor would I have the Addressers and their Friends too much exalted, upon the present *Silence* of the other Side: A Day of Reckoning may come, in proper and convenient time; and if some who have weigh'd and consider'd *both Sides* of the Question, be not very much deceiv'd, the Addressers will then be heartily ashamed of themselves, and wish, for their own Honour, that their Sanction had been suspended, till they also had consider'd *both Sides*, and till the Point could receive a regular Determination from its proper Judges.

THIS is what I had to offer concerning the new Methods of ADDRESSING; the Irregularities and ill Consequences of which appear to be so many and so great, that I am not without hopes of seeing the Clergy convinc'd, that it is high time to put an End to so dangerous a Practice. I doubt not, but those who have already addressed, were led into it unwarily by a well meant Zeal for the Honour of the Church and the Universities; and I am also willing to believe, that others, before they Address, will consider the Consequences of what they do. But be the Effect what it will in Relation to the Addressers, past or to come; I am in very great hopes, that what I have said, cannot fail to mitigate the Censures against those *Bishops* and Clergy, who have not, and will not, offer their Incense on these Occasions; in other Words, that it will be a means to clear the Non-Addressers from the Charge of *Disaffection*, either to the Church and Universities, or to the Persons of these two Great Men.

